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Attorneys for Defendant HOUSTON FUNDING II, LTD., who has also been erroneously named
HOUSTON FUNDING CORPORATION

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BZ

ROBERT C. DEDEKAM,

Plaintiff,

v.

HOUSTON FUNDING II, LTD., who has also
been erroneously named HOUSTON FUNDING
CORPORATION, SAKS FIFTH AVENUE, AND
HSBC BANK NEVADA, N.A.,

Defendants.

CV 08

2049

Case No.:
Humboldt County Case No.: SC080180

**CERTIFICATE OF SERVICE OF NOTICE
TO ADVERSE PARTY OF REMOVAL TO
FEDERAL COURT**

BY FAX

I, Jennifer E. Mueller, certify and declare as follows:

I am over the age of 18 years and not a party to this action. My business address is 555
University Avenue, Suite 200 East, which is located in the city and county of Sacramento, California.

On April 18, 2008, I deposited into the U.S. mail a copy of the Notice to Adverse Party of
Removal to Federal Court, a copy of which is attached to this Certificate as **Exhibit 1**, to Plaintiff
ROBERT C. DEDEKAM.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 18, 2008

By

Jennifer E. Mueller

1 Mark E. Ellis - 127159
June D. Coleman - 191890
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& STEINHEIMER LLP
3 555 University Avenue, Suite 200 East
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4 Tel: (916) 283-8820
Fax: (916) 283-8821

5 Attorneys for Defendant HOUSTON FUNDING II, LTD.

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8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 HUMBOLT COUNTY
10 SMALL CLAIMS DIVISION
11

12 ROBERT C. DEDEKAM,

13 Plaintiff,

14 v.

15 SAKS FIFTH AVENUE, and HOUSTON
FUNDING II, LTD.,

16 Defendants.
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Case No.: SC080180

NOTICE TO ADVERSE PARTY OF
REMOVAL OF ACTION TO FEDERAL
COURT

1 To Plaintiff, and the Small Claims Court of Humbolt County:

2 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the United
3 States District Court for the Northern District of California on April 15, 2008, federal case number
4 pending.

5 A copy of the said Notice of Removal is attached to this Notice as **Exhibit A**, and is served and
6 filed herewith.

7 Dated: April 3, 2008

8 ELLIS, COLEMAN, POIRIER, LAVOIE, &
9 STEINHEIMER LLP

10 By



11 June D. Coleman
12 Attorney for Defendant
13 HOUSTON FUNDING II, LTD.
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5

6 Attorneys for Defendant HOUSTON FUNDING II, LTD., who has also been erroneously named
HOUSTON FUNDING CORPORATION
7
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 ROBERT C. DEDEKAM,
13 Plaintiff,
14

15 v.

16 HOUSTON FUNDING II, LTD., who has also
been erroneously named HOUSTON FUNDING
CORPORATION, SAKS FIFTH AVENUE, AND
HSBC BANK NEVADA, N.A.,
17

18 Defendants.
19

Case No.:
Humbolt County Case No.: SC080180

**NOTICE OF REMOVAL OF ACTION
UNDER 28 USC § 1441(b) (FEDERAL
QUESTION)**

20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that defendant HOUSTON FUNDING II, LTD., who has also been
22 erroneously named HOUSTON FUNDING CORPORATION, hereby removes to this Court the state
23 court small claims action described below:

24 1. On March 20, 2008, an action was commenced in Small Claims Court, State of
25 California, County of Humbolt, entitled ROBERT C. DEDEKAM, Plaintiff, v. SAKS FIFTH
26 AVENUE, et al., as case number SC080180.

27 2. On March 20, 2008, HOUSTON FUNDING II, LTD., who has also been erroneously
28 named HOUSTON FUNDING CORPORATION, received the Summons and Complaint, attached

CERTIFICATE OF SERVICE

I, Jennifer E. Mueller, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On April 18, 2008, I served the following document(s) on the parties in the within action:

NOTICE OF REMOVAL OF ACTION UNDER 28 USC § 1441(b) (FEDERAL QUESTION)

	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:				
X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:				
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:				
	VIA FACSIMILE: The above-described document(s) was transmitted via facsimile from the fax number shown on the attached facsimile report, at the time shown on the attached facsimile report, and the attached facsimile report reported no error in transmission and was properly issued from the transmitting facsimile machine, and a copy of same was mailed, on this same date to the following:				
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Robert C. Dedekam 1824 Buhne Street Eureka, CA 95501 </td> <td style="width: 50%; vertical-align: top;"> In Pro Per </td> </tr> <tr> <td style="vertical-align: top;"> HSBC Bank Nevada, N.A. P.O. Box 5244 Carol Stream, IL 60197 </td> <td style="vertical-align: top;"> Defendant </td> </tr> </table>	Robert C. Dedekam 1824 Buhne Street Eureka, CA 95501	In Pro Per	HSBC Bank Nevada, N.A. P.O. Box 5244 Carol Stream, IL 60197	Defendant
Robert C. Dedekam 1824 Buhne Street Eureka, CA 95501	In Pro Per				
HSBC Bank Nevada, N.A. P.O. Box 5244 Carol Stream, IL 60197	Defendant				

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on April 18, 2008.

By 
 Jennifer E. Mueller

1 hereto as **Exhibit A**.

2 3. This Court has jurisdiction to hear this case because this action is a civil action of which
3 this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this
4 Court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it arises under the federal
5 Fair Debt Collection Practices Act (15 U.S.C. § 1692, *et seq.*).

6 4. HOUSTON FUNDING II, LTD., who has also been erroneously named HOUSTON
7 FUNDING CORPORATION cannot determine whether any other defendant has been served with the
8 complaint and summons. HOUSTON FUNDING II, LTD., who has also been erroneously named
9 HOUSTON FUNDING CORPORATION, is in the process of confirming that any other defendant
10 consents to the removal of this action.

11 Dated: April 3, 2008

12 ELLIS, COLEMAN, POIRIER, LAVOIE, &
13 STEINHEIMER LLP

14 By



15 June D. Coleman
16 Attorney for Defendant
17 HOUSTON FUNDING II, LTD.
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SC-100**Plaintiff's Claim and ORDER
to Go to Small Claims Court****Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.

FILED

MAR 20 2008

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Fill in court name and street address:

Superior Court of California, County of
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT
325 FIFTH STREET
EUREKA, CALIFORNIA 95501

Clerk fills in case number and case name:

Case Number:

SC080180

Case Name:

Order to Go to Court**The people in ① and ② must go to court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	5/2/08	8:30 am		
2.				
3.				

#9 See directory on second floor of the Courthouse.

Date: **MAR 20 2008** **KERRIL KEENAN**
Clerk, by **BECKY H.** Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving" or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

EXHIBIT**A**

Case Number:

Plaintiff (list names): ROBERT C. DEDEKAM

① The Plaintiff (the person, business, or public entity that is suing) is:

Name: ROBERT C. DEDEKAMPhone: (707) 443-4456Street address: 1824 BUHNE ST.

SUNDERA

CA 95501

Mailing address (if different):

Street

City

State

Zip

If more than one Plaintiff, list next Plaintiff here:

Name:

Phone: ()

Street address:

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

② The Defendant (the person, business, or public entity being sued) is:

Name: SIXES FIFTH AVENUEPhone: (415) 986-4300Street address: 384 POST ST.

SAN FRANCISCO

CA 94108

Mailing address (if different):

Street

City

State

Zip

If more than one Defendant, list next Defendant here:

Name: HOUSTON FUNDING II LLCPhone: (866) 473-6417Street address: UNKNOWN

Street

City

State

Zip

Mailing address (if different): PO BOX 4115

CONCORD

CA 94524

☒ Check here if more than 2 Defendants and attach Form SC-100A.☐ Check here if any Defendant is on active military duty, and write his or her name here:③ The Plaintiff claims the Defendant owes \$ IN EXCESS OF \$5000 (Explain below)a. Why does the Defendant owe the Plaintiff money? SEE ATTACHED DECLARATION

b. When did this happen? (Date):

If no specific date, give the time period: Date started: 3/28/07 Through THIS DATEc. How did you calculate the money owed to you? (Do not include court costs or fees for service) TWO FINALJUDGEMENTS, SPECIAL DAMAGES, PLUS GENERAL DAMAGES☒ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100 Item 3" at the top.

Case Number: _____

Plaintiff (list names): ROBERT C. DEDEKAM

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? ☐ Yes ☒ No

If no, explain why not: SEE ATTACHMENT

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
 (2) Where the Plaintiff's property was damaged.
 (3) Where the Plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e. ☒ Other (specify): DEFENDANT'S ACTS WERE DONE IN THIS COUNTY

- 6 List the zip code of the place checked in 5 above (if you know): 95601

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☒ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date): _____

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☒ No If yes, the filing fee for this case will be higher.

- 10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

- 11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 3/19/08ROBERT C. DEDEKAM

Plaintiff types or prints name here

[Signature]

Plaintiff signs here

Date: _____

Second Plaintiff types or prints name here

Second Plaintiff signs here

**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, § 54.8.)

Revised January 1, 2008

**Plaintiff's Claim and ORDER
to Go to Small Claims Court
(Small Claims)**

SC-100, Page 3 of 5



SC-100A**Other Plaintiffs or Defendants**

Case Number: _____

☒ This form is attached to Form SC-100, item 1 or 2.**1 If more than 2 plaintiffs (person, business, or entity suing), list their information below:**

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.

Other plaintiff's name: _____

Street address: _____ Phone: (____) _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.☐ Check here if more than 4 plaintiffs and fill out and attach another Form SC-100A.**2 If more than 2 defendants (person, business, or entity being sued), list their information below:**Other defendant's name: HOUSTON FUNDING CORPORATIONStreet address: 2620 FOUNTAINVIEW SUITE 305 Phone: (713) 0856City: HOUSTON, TX State: TX Zip: 77057

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Other defendant's name: HSBC BANK NEVADA, N.A.Street address: UNKNOWN Phone: (____) UNKNOWN

City: _____ State: _____ Zip: _____

Mailing address (if different): PO BOX 5244City: CAROL STREAM State: IL Zip: 60137-3104☐ Check here if more than 4 defendants and fill out and attach another Form SC-100A.**3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.****4 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 4/18/08 ROBERT C. DEDEKAY
Type or print your nameRobert C. DeDeKay
Sign your nameDate: _____
Type or print your name_____
Sign your name

MC-031

PLAINTIFF/PETITIONER: ROBERT C. DEDEKAM
 DEFENDANT/RESPONDENT:

CASE NUMBER:

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

As reported herein are the final judgments in actions SC 10306 and SC 040543. Both judgments of this court are Res Judicata of the court as to the actions of defendant Sub Five Avenue as "invasion of privacy, reckless and intentional collection efforts on a non-existent debt, also tort in essence" 15 USC 45 (a)(1) giving rise to extreme emotional distress... The former action is partially satisfied, while the judgment in the latter action is fully satisfied.

The remaining defendants are collection agents of defendant Sub Five Avenue. They continue to attempt to collect, for the past year, on the aforesaid debt that has been twice adjudicated not to exist. Even if the debt had ever existed, the Statute of Limitations ran many years ago. The defendants continue to attempt to collect, and will continue to damage plaintiff unless substantial damages are assessed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 2/14/08

ROBERT C. DEDEKAM
 (TYPE OR PRINT NAME)

Robert C. Dedekam
 (SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

CERTIFICATE OF SERVICE

I, Jennifer E. Mueller, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On April 18, 2008, I served the following document(s) on the parties in the within action:

NOTICE OF REMOVAL OF ACTION UNDER 28 USC § 1441(b) (FEDERAL QUESTION)

	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:
X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:
	VIA FACSIMILE: The above-described document(s) was transmitted via facsimile from the fax number shown on the attached facsimile report, at the time shown on the attached facsimile report, and the attached facsimile report reported no error in transmission and was properly issued from the transmitting facsimile machine, and a copy of same was mailed, on this same date to the following:
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:

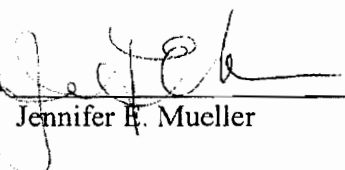
Robert C. Dedekam
1824 Buhne Street
Eureka, CA 95501

In Pro Per

HSBC Bank Nevada, N.A.
P.O. Box 5244
Carol Stream, IL 60197

Defendant

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on April 18, 2008.

By 
Jennifer E. Mueller

CERTIFICATE OF SERVICE

I, Jennifer E. Mueller, declare:

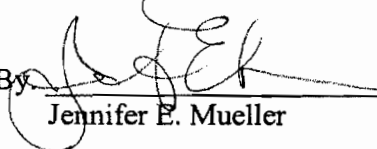
I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On April 18, 2008, I served the following document(s) on the parties in the within action:

CERTIFICATE OF SERVICE OF NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT

	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:
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HSBC Bank Nevada, N.A. P.O. Box 5244 Carol Stream, IL 60197	Defendant

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on April 18, 2008.

By: 
Jennifer E. Mueller